APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,046	06/30/2000	D'Arcy M. Tyrrell III	062986.0186	2977

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EXAMINER
CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
2153	9

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/609,046	TYRRELL ET AL.
	Examiner	**Art Unit**
	Anita Choudhary	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2003* .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 June 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

Response to Amendment

The amendment filed on July 15, 2003 has been entered.   Claims 1, 3, 4, 7, 8, 14, 16, 21-

23, and 26 have been amended and are presented for further examination.

Claims 1-29 are presented.

Response to Arguments

Applicant's arguments with respect to claim 1-29 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Austin et al (US

5,761,396), hereinafter Austin.

Austin shows a system for processing a distribution job in a document processing system.

A document processing system consists of a first and second virtual service (VS1, VS2, ... fig.

13) used to store and process first and second jobs of an image data. The virtual services are

implemented as software or hardware or a combination of the two (col. 16 lines 50-53). Austin

shows:

o   Receiving from a client a render job (composite job ticket) having an associated job profile

(distribution job) and plurality of frames (compound segments) (col. 3 lines 3-7, col. 11 lines

1-28, col. 16 lines 54- col. 17 lines 5).

o   Distributing via a communication medium (fig. 13) a first frame (compound segment) of a

plurality of frames (job ticket) to a first one of a plurality of render servers (VS1) and a

second frame of a plurality of frames to a second one of the plurality of render servers (VS2)

based at least in part to job profile (job type) (col. 17 lines 6-41).

o   Rendering the first and second frames concurrently at the first and second render servers (col.

17 lines 29-30).

o   Forwarding the rendered first and second frames to a network storage system for retrieval by

the client (VS's can store processed jobs col. 16 lines 42-53).

Austin discloses in an example embodiment, a document system receiving a job request

from a client in the form of a page description language file (pdl) consisting of a compound job

ticket associated with plural jobs (col. 16 lines 57).   Data Manager distributes each job to

various virtual services according to the table shown in figure 13, which shows the routing of a

job type to a particular service. First and second jobs are transmitted to first and second virtual

services, and as Austin further points out, each service can be run concurrently (col. 17 lines 29-

30). After the documents have been processed they are stored at the virtual service for retrieval

by the client. Although Austin emphasizes print and fax jobs it is well known in the art, that the

virtual service is capable of storing and forwarding softcopies of processed documents.

In referring to claim 2, Austin shows the client as a remote computer relative to the location of virtual services (fig. 13)

In referring to claim 3, Austin shows the Data Manager for distributing first and second frames, and Data Manager operable to determine which services should be used for processing the first and second frames (col. 17 lines 37-44).

In referring to claim 4-6, 9-13, 17, 18, and 20 Austin shows a database provided by the document agent for storing profile and status data of each virtual service (col. 17 lines 11-26, col. 17 line 62-29).

In referring to claim 7, Austin shows the processed first and second frames transmitted to client (col. 18 lines 14-17).

In referring to claim 8, 15, and 25, Austin shows:
o Plurality of rendering servers (VS1, VS2) operable to render a render job (composite job ticket) having an associated job profile (job type, d_j) and a plurality frames (compound segments) fig. 13, col. 17).
o Resource database (db) comprising resource information regarding the plurality of virtual services (col. 17 lines 62- col. 18 line 13).
o A schedule server (distribution management and document manager) coupled to the virtual services via communication medium (fig. 13) operable to distribute a first frame to a first

virtual service and second frame to a second virtual service based on job type and resource

information found in the table (col. 17 lines 6-26).

In referring to claim 14, 21, and 27, in addition to claims 1 and 8 cited above, Austin also

shows the transferring of jobs to a remote rendering system controlled by a remote document

manager (fig. 15), responsible for distributing first and second frames to remote first and second

virtual services, similar to the illustration of the document manager shown in fig. 13. The remote

document manager is coupled to an identical structure to that show in fig. 13. The system offers

remote document processing relative to the document processing system shown in fig. 13 (see

col. 17 lines 56-61).

In referring to claim 16, 19, and 26, in addition to claim 8, 15, and 25 cited above, Austin

shows remote rendering as pointed out above in relation to claim 14. The remote document

manager (schedule server) is coupled to a distribution agent that provides database resources for

the distribution of jobs to virtual services.

In referring to claim 22-24 and 29, Austin shows that completed processing is transmitted

to client, or transmitted from first render site to second render site, or stored in location

accessible by client (col. 5 lines 4-29).

In referring to claim 28, Austin shows file comprising of rendering or image

enhancement information (col. 9 line 14-32).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Examiner strongly suggests that Applicant consider the reference provided by Austin et

al. (US 5,761,396) as evidence that the claimed invention presented is not in any way allowable

at present. Examiner suggests that the application be abandoned and/or a request for

reconsideration (RCE) filed. Amendments After Final will not be entered because they would

require further consideration and/or search. The Examiner is also not in the practice of granting

After Final interviews unless the interview would result allowance. In this case, given the cited

art Examiner does not consider the presented claims in any condition for allowance.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268.

The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

AC
September 25, 2003

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100